

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 12, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Dutra led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

1.4 Announcements by Mayor/City Manager – none.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of a Dedication Plaque quotation for Police Training Center and Indoor Range**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved the quotation for use on the dedication plaque for the Police Training Center and Indoor Range.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

*** 2.4 Mayor Wasserman opened consideration of a Summary Vacation of Excess Right of Way Dedicated On Tract 7472 At the Southerly and Easterly Corners of Curie Street and Pacific Commons Boulevard Intersection in the Industrial Planning Area (PLN2011-00160)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing;
2. Found that Summary Vacation PLN2011-00160 is exempt from the California Environmental Quality Act per CEQA Guideline 15305, in that the vacation is considered a minor alteration in land use limitations which does not result in any land use or density changes;
3. Found that Summary Vacation PLN2011-00160 as depicted in Exhibit “A” fulfills the applicable criteria for summary vacation for the reasons stated in the body of this staff report; and
4. Adopted Resolution No. 2011-18 including the findings referenced above and vacating the excess right-of-way as depicted and described in Exhibit “A”.
5. Directed the City Clerk to record the Resolution of Vacation with the Alameda County Recorder and return one copy of the recorded Resolution to the Planning Division and Engineering Division for their respective files.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Approval to Authorize the City Manager to Execute a Contract With FieldTurfUSA to Purchase and Install Synthetic Turf Material through the Existing California Multiple Award Schedule (CMAS) Agreement Between the State of California and FieldTurfUSA Inc., for the Centerville Ballfield Synthetic Turf Conversion Project, 8717 (PWC)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the plans and specifications, and authorized the City Manager to enter into an Agreement with FieldTurfUSA, Inc., and authorized the City Manager or designee to execute a contract through CMAS contract #4-06-78-0031A, between the State of California and FieldTurfUSA, Inc., for \$307,289, plus a 10% construction contingency of \$30,729 for unforeseen conditions, for a total potential contract amount of \$338,018.
2. Authorized the City Manager or designee to pay an administrative fee of up to \$6,423, which equals 1.9% of the final purchase price, to the State of California, Department of General Services (DGS) for using CMAS.
3. Authorized the City Manager or designee to execute an agreement for maintenance services at Centerville Ballfield and Irvington Ballfield for no additional charge, with FieldTurfUSA’s FieldCare Division.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of a Comprehensive Agreement with the Santa Clara Valley Transportation Authority (VTA) Covering the Construction of the SVBX Project**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to execute a Comprehensive Agreement with the Santa Clara Valley Transportation Authority (VTA) relating to the Silicon Valley Berryessa BART Extension Project (SVBX) as described herein; and execute amendments to the Agreement, if required, provided the amendments do not have a negative fiscal impact upon the City.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval to Authorize the City Manager or his Designee to Enter into a Service Agreement with Sysco San Francisco Inc., not to exceed \$100,000 per Year**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to enter into a service agreement with Sysco San Francisco Inc., in an amount not to exceed \$100,000 per year to provide food service supplies and delivery to Aqua Adventure Waterpark for a one year term with the option for up to two additional one year terms.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – none.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Preliminary & Precise Planned District (P-2010-280), Preliminary Grading Plan, Private Street, and Vesting Tentative Tract Map 8052 to Develop a 9-lot Single-Family Residential Subdivision on a Vacant Portion of the Seventh-Day Adventist Church Property (PLN2010-00280)

Councilmember Dutra recused himself due to a conflict of interest related to a business partnership with the seller and left the chambers.

Senior Planner Kelly Diekmann provided an overview of the project and outlined staff's revised recommendation. Mayor Wasserman opened the public hearing. Mark Robson (applicant) presented reasons for approving the project. Alex Shaw expressed concern related to possibility of opening the cul-de-sac in the future to provide accessibility to through traffic. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing;
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Program and found that this action reflects the independent judgment of the City of Fremont;
3. Introduced an ordinance that rezones the property and adopts the Preliminary and Precise Planned District and directed staff to prepare and the City Clerk to publish a summary of the ordinance;
4. Continued consideration of the remaining project elements (Vesting Tentative Tract Map No. 8052, Preliminary Grading Plan, Affordable Housing Plan, tree removal and mitigation proposal, and adoption of related findings) until the second reading of the ordinance at the May 10, 2011 regular meeting.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None
Abstain:	Councilmember Dutra due to a conflict of interest

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of a Recreation Commission Referral to Adopt a Mitigated Negative Declaration and Approve the Site Master Plan for the Fremont Skate Park, 8672 (PWC), Including Proposed Art

Community Services Director Annabell Holland provided introductory remarks. Senior Landscape Architect Roger Ravenstad provided an overview of the project. Senior Planner Kelly Diekmann provided an overview of the environmental analysis. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Rodolfo Rose, Tom Troop, Cynthia Positano, Bob Fifield, John Freeman, Dr. Lilian Tsappa, Dinesm Maheshwari, Erwin Tsaur, and June Griffin, expressed opposition to the proposed skate park location and other concerns related to findings contained in the detailed environmental analysis. Corey Cardwell, Tony Pimentel, Eric Shively, Jesse Johnson, and Efven Kabigting expressed support for the project. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Adopted the draft Mitigated Negative Declaration, as shown in Exhibit A, and found this action reflects the independent judgment of the City of Fremont.
3. Approved the art designed by Eric Powell for the Advance Bowl railing, and that it meets the requirements of the Art in Public Places Policy, Resolution No. 7111.
4. Approved Exhibit B, Site Master Plan for the Fremont Skate Park, PWC 8672.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:35 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor